

05 CV 5231

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JUDGE SWAIN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION :
: :
Plaintiff, :
: :
- against - :
: :
AMERINDO INVESTMENT ADVISORS INC., : 05 Civ. ____ ()
ALBERTO WILLIAM VILAR, and GARY :
ALAN TANAKA, :
: :
Defendants. :
: :
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**EMERGENCY APPLICATION FOR A TEMPORARY
RESTRAINING ORDER, PRELIMINARY INJUNCTION,
ORDER TO SHOW CAUSE, AND OTHER RELIEF**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Securities and Exchange Commission ("Commission") hereby applies to this Court for an order:

(1) directing defendant Amerindo Investment Advisors Inc. ("Amerindo") ("the Defendant") to show cause why an order should not be entered, pending a final disposition of this action:

(a) preliminarily enjoining:

(i) Amerindo from violating Section 17(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77q(a); Section 10(b) of the Securities

Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. §§ 78j(b), and Exchange Act Rule 10b-5, 17 C.F.R. § 240.10b-5;

(ii) Amerindo from violating Sections 206(1), 206(2) and 206(4) of the Investment Advisers Act of 1940 (“Advisers Act”), 15 U.S.C. §§ 80b-6(1), 80b-6(2) and 80b-6(4);

(b) appointing a temporary receiver over Amerindo;

(c) directing Amerindo to provide a verified accounting immediately; and

(d) prohibiting the destruction or alteration of documents; and

(2) pending adjudication of the foregoing, an Order:

(a) temporarily restraining Amerindo from violating the aforementioned statutes and rules;

(b) appointing a temporary receiver over Amerindo;

(c) providing that the Commission may take expedited discovery in preparation for a hearing on this Order to Show Cause;

(d) directing Amerindo to provide verified accountings immediately; and

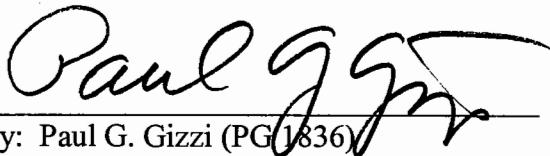
(e) prohibiting the destruction and alteration of documents.

The grounds supporting this application are fully set forth in the accompanying Memorandum of Law in Support of Plaintiff’s Emergency Application for a Temporary Restraining Order, Preliminary Injunction, Order to Show Cause, and Other Relief, the

Declarations of Elzbieta Wraga and Paul G. Gizzi and exhibits attached thereto. A proposed form of Order is filed herewith.

Dated: New York, New York
 June 1, 2005

Respectfully submitted,
Mark K. Schonfeld (MS-2798)



Paul G. Gizzi

By: Paul G. Gizzi (PG1836)

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